



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

January 22, 2015

Dos Bros, LLC
c/o Ahmad Abulaban
209 Lakeside Drive
Morgantown, WV 26508

**RE: CU14-12 / Dos Bros, LLC / 350 High Street
Tax Map 26A, Parcel 110**

Dear Mr. Abulaban:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning your beneficiary assignment transfer request of the conditional use approval for Case. No. CU14-12 originally granted by the Board of Zoning Appeals on November 19, 2014 for a "Restaurant, Private Club" use at 350 High Street. The decision is as follows:

Board of Zoning Appeals, January 21, 2015:

1. The Board approved the beneficiary assignment transfer of the November 19, 2014 conditional "Restaurant, Private Club" use granted under Case No. CU14-12 for "Dos Bros Cantina" located at 350 High Street on Parcel 110 of Tax Map 26A from "Dos Bros, LLC" to "Speedy's 2, LLC".
2. The Board included in this approval that "Speedy's 2, LLC" and its managers, officers, employees, and agents shall comply with the conditions set forth by the Board in its November 19, 2014 approval of CU14-12, which are stated below.
 - A. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06(27) of the Planning and Zoning Code.
 - B. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*.
 - C. To ensure that the petitioner's business description and plans are executed as described and considered in granting the one-year "bona fide restaurant" waiver, the subject "Restaurant, Private Club" use must:
 1. Be open no later than 11:00 AM Monday through Friday for the purpose of serving lunch as described in the menu submitted with the petitioner's conditional use application.
 2. That the petitioner shall voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, Private Club" use to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic

beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.

3. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.
4. That the beneficiary of this conditional use approval is Speedy's, LLC, which may not be transferred without prior approval of the Board of Zoning Appeals.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that requisite building permits must be obtained prior to the commencement of any work for which approval was granted herein including new signs relating to the change in the restaurant's name.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

A handwritten signature in cursive script, reading "Stacy Hollar".

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantown.org